

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

AMY G. DENERO,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 2013-73
)	
PALM HORIZONS MANAGEMENT, INC.)	
d/b/a CATERED TO VACATION HOMES,)	
and J-MACKS PROPERTIES, LLC)	
)	
Defendants.)	
_____)	

ATTORNEYS:

Karin A. Bentz, Esq.

Law Offices of Karin Bentz, P.C.

St. Thomas, VI

For Amy G. Denero,

Mark Wilczynski

Nicholas Jon Pompeo

Law Office of Mark Wilczynski

St. Thomas, VI

For J-Macks Properties, LLC,

Charles S. Russell

Moore, Dodson, and Russell

St. Thomas, VI

For Palm Horizons Management, Inc.

ORDER¹

GÓMEZ, J.

Before the Court is the motion of Palm Horizons Management, Inc. and J-Macks Properties, LLC to exclude the expert testimony of Carl J. Abraham.

¹ The Court will issue a memorandum opinion outlining its reasons at a later date.

Rule 702 of the Federal Rules of Evidence governs the testimony of expert witnesses. That rules states:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

In *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 593-94 (1993), the Supreme Court explained the trial judge's "gatekeeper function" in assessing the reliability and relevance of expert testimony and identified factors a trial judge should consider when faced with a pre-trial evaluation of expert testimony. The *Daubert* Court explained:

The inquiry envisioned by Rule 702 is, we emphasize, a flexible one. Its overarching subject is the scientific validity and thus the evidentiary relevance and reliability—of the principles that underlie a proposed submission. The focus, of course, must be solely on *principles and methodology*, not on the conclusions that they generate.

Id. at 594-95 (emphasis added).

Denero v. J-Macks

Civil No. 2013-73

Page 3

The premises considered, it is hereby

ORDERED that the motion to exclude the expert testimony of
Carl J. Abraham is **GRANTED**

s_____

Curtis V. Gómez
District Judge